

Children and Families Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 3

BARONESS HUGHES OF STRETFORD

Page 2, line 36, at end insert –

“() When it relates to a direction given under subsection 3(b) or (c), the power to make a direction under subsection (1) will be exercisable by statutory instrument not to be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

After Clause 7

BARONESS YOUNG OF HORNSEY

Insert the following new Clause –

“Care leavers’ access to personal information

- (1) It shall be the duty of every local authority and voluntary organisation that looks after or provides accommodation for a child or young person to maintain such records as prescribed by regulations.
- (2) Regulations may provide for the transfer of records held by voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care.
- (3) A care leaver has the right, at his request, to receive from the local authority or voluntary organisation comprehensive information from the records relating to their personal history, family background and time in care while they were a looked after child or young person, and such information will include personal sensitive data and also identifying information about other family members, acquaintances and significant others.
- (4) Subsections (1) and (3) do not apply to a request for information in circumstances where the local authority or voluntary organisation is authorised by regulations to withhold the information or any part of it.

After Clause 7 – continued

- (5) Local authorities and voluntary organisations have a duty to provide appropriate and reasonable support on request, including information and advice, along with explanations of the process of redaction, the offer of appropriate counselling and access to intermediary services to care leavers having received their care records.
- (6) The regulations may provide for the circumstances in which the local authority or voluntary organisation holding the records may arrange for another local authority or voluntary organisation near the care leaver's home to provide access to the records and support.
- (7) In this section, "care leaver" refers to a person aged 16 and over who has at any time while they were a child or young person been in the care of, or looked after or accommodated by a local authority or voluntary organisation.
- (8) It shall be a defence to any allegation of unlawful disclosure of data under the Data Protection Act 1998 by the data controller, if it can be shown that the data controller has made a reasonable examination of the data and has satisfied himself as to the need to disclose data and identities of individuals whose consent has not been obtained under section 7(4) of the Act having regard to the needs of the care leaver as set out elsewhere in this Act."

After Clause 19

BARONESS HUGHES OF STRETTFORD
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

"Children and young people with special educational needs

For the purposes of sections 22, 24, 25, 26, 27, 30, 32 and 62 of this Part, the term "children and young people with special educational needs" will be interpreted to include children and young people with a disability under the Equality Act 2010."

Clause 30

BARONESS HUGHES OF STRETTFORD
BARONESS JONES OF WHITCHURCH

Page 25, line 21, leave out "it expects to be" and insert "which is"

Page 25, line 24, leave out "it expects to be" and insert "which is"

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